

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRIAN A. McVEIGH, et al.

Plaintiffs,

v.

**CALLAN ASSOCIATES
INCORPORATED, et al.,**

Defendants.

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Case No.: 2:09-CV-0685-RDP

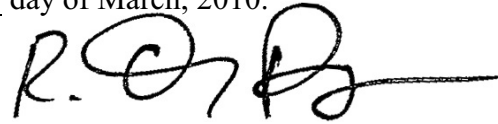
ORDER

In accordance with the memorandum opinion entered September 14, 2009, this case was stayed pending the Supreme Court of Alabama's disposition of Defendant Callan Associates Incorporated's ("Callan") petition for writ of mandamus in *Perdue v. Callan Associates, et al.*, CV 09-900556. No opinion has yet to be issued in that case, but as the court has already indicated, it is appropriate for the Supreme Court to have the opportunity to address the issues raised by the petition before this court rules on the motions pending before it. Therefore, while there are motions currently pending in this case, they are neither under advisement or consideration by this court as this court is deferring to the Supreme Court to answer questions of state law.

Accordingly, the clerk of the court is **DIRECTED** to **ADMINISTRATIVELY TERMINATE** the motions currently pending in the case before this court, those being: Defendants INTECH Investment Management LLC, Rhumblin Advisers, Earnest Partners, LLC, Turner Investment Partners, Inc., Acadian Asset Management LLC, Principal Global Investors, LLC, and Western Asset Management Company's (collectively referred to in the motion as "Asset Managers") Motion to Dismiss (Doc. #16) filed on June 2, 2009; Defendant Callan Associates Inc.'s

Motion to Dismiss (Doc. #23) filed on June 8, 2009; and Defendant C.S. McKee, L.P.'s Motion to Dismiss (Doc. #26) filed on June 9, 2009. The parties may re-file their motions to dismiss, should they so desire, after the Supreme Court of Alabama has ruled on Callan's petition for writ of mandamus.

DONE and **ORDERED** this 29th day of March, 2010.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE